IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 11912 of 2004

Between:

Kolla Suryanarayana, S/o Subba Rao,
Occ: Chairman, Person Incharge Committee,
Primary Agricultural Credit Cooperative Society, B.Savaram, East Godavari District.

.... PETITIONER

AND

1 District Co-operative Officer, Kakinada, East Godavari District.
2 The Deputy Registrar of Cooperative Societies, Amalapuram, East

Godavari
3 Sub Divisional Co.operative Officer, Razolu, East Godavari District.
4 Primary Agricultural Credit Co.operative Society, B.Savaram, Razolu

Mandal, East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that

in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of the 2nd respondent in cancelling the person in-charge committee of the 4th respondent without conducting any inquiry and serving any order on the petitioner as illegal, arbitrary and violative of provision of the A.P.Co-op. Societies Act and consequently direct the respondent not to interfere with the functioning of the petitioner as Chairperson of person incharge committee of the 4th respondent, and pass such other order or Orders in the interests of justice.

Counsel for the Petitioner: MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following:

O R D E R: -

The petitioner seeks a Writ of Mandamus declaring the action of the second respondent in cancelling the Person in-charge Committee of the fourth respondent without conducting any inquiry and serving any order as arbitrary and illegal.

2. The petitioner was the Chairperson of the Person-in-charge Committee of the 4th respondent Society having been appointed by the 2nd respondent in exercise of powers conferred under Section 32(7)(a) of A.P. Co-operative Societies Act, 1964 on 18-03-2003. The appointment was for a period of six months or till the elections to the said committee are held, whichever is earlier. The said appointment has been extended from time to time, the last being by proceedings dated 6.2.2004. While so, a news item was published on 5.6.2004 in local daily news paper (Vaartha) stating that the authorities have cancelled the existing person in-charge committee headed by the petitioner.

3. Being aggrieved, this writ petition is filed *inter alia* contending that no such proceedings have been served on the petitioner and at any rate without conducting any enquiry or issuing any notice to the petitioner, the respondents are not entitled to appoint a chairperson or a person
in-charge committee in the place of the existing Committee.

4. When the writ petition is taken up for consideration, the learned Government Pleader for Co-operation appearing for the respondents 1 to 3 has produced the proceedings of the Deputy Registrar of the Co-operative Societies, Amalapuram, dated 29.05.2004, which was issued in exercise of the powers vested under Section 32(7)(a) of the Andhra Pradesh Cooperative Societies Act, 1964, appointing new official persons-in-charge committee to manage the affairs of the fourth respondent society. A perusal of the said order shows that the members of the society made allegations of misappropriation of funds by the Secretary as well as the petitioner, who was the Chairman of the Committee. That apart, in spite of the requisition by other members of the Committee requesting to convene a meeting on 24-05-2004 to discuss the agenda items which include suspension of the Secretary for misappropriation of funds, the petitioner failed to comply with the same and abruptly closed the meeting without discussing the agenda and thus it is construed that he did not want to take action against the Secretary who is corrupt. Thus, it was felt that it is expedient to change the non-official Chairman in the best interest of the Society and accordingly while removing the petitioner as Chairman of the Committee, Official Persons-in-charge Committee has been appointed to manage the affairs of the Society. On the basis of the said proceedings, the learned Government Pleader contended that the petitioner cannot claim any right to continue as Chairman and therefore the writ petition is misconceived and liable to be dismissed.

5. However, the learned counsel for the petitioner submits that the allegation that the petitioner did not want to take any action against

the corrupt Secretary is false and without any basis and at any rate, it is not a valid ground for removing the persons in-charge committee. Learned counsel in support of his contention placed reliance upon a decision in **`Chittiri Simmanna Vs. Deputy Registrar of Cooperative Societies, Srikakulam .** There can be no dispute about the ratio laid down in the above decision. However, the fact remains that as on today the term of the petitioner has already expired on 26.07.2004. The law is well settled that the elected members of the committee of the Society, on expiry of the tenure have no right to be appointed as persons in-charge till the next election, nor can they claim any right to challenge the appointment or the new committee. Hence, the decision in CHITTIRI SIMMANNA's case (1 supra) is not of any assistance to the case on hand.

6. Under the above circumstances, the contentions of the learned Counsel for the petitioner are without substance and I do not see any reason to grant relief as prayed for. The writ petition is accordingly dismissed. No costs.

Dated : 03rd August 2004.

RAR/gbs

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Co-operative Officer, Kakinada, East Godavari District.
2 The Deputy Registrar of Cooperative Societies, Amalapuram, East

Godavari
3 The Sub Divisional Co.operative Officer, Razolu, East Godavari

District.
4 Primary Agricultural Credit Co.operative Society, B.Savaram, Razolu

Mandal, East Godavari District.

5 2 CCs to G.P for Cooperation, High Court of A.P. Hyderabad(OUT)

6 2 CD copies